

AN ORDINANCE

101020

AMENDING CHAPTER 28 OF THE CITY OF SAN ANTONIO CODE, TO CLARIFY ITS PURPOSE, DEFINE "BANDIT SIGNS", AND DECLARE SUCH SIGNS AS ABANDONED TRASH THAT MAY BE DISCARDED WITHOUT NOTICE TO THEIR OWNERS; AND DIRECTING PUBLICATION.

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WHEREAS, various individuals and businesses have used the public rights of way for advertising through the placement of signs not in compliance with the requirements of chapter 28 of the City Code; and

WHEREAS, under the current requirements of the City Code, all signs - regardless of their value, type, or condition - which are posted illegally in the public rights of way are confiscated and held for a specified time while city staff attempt to locate their owners so that the owners may claim the signs; and

WHEREAS, the City wishes to clarify that it may authorize persons to go onto public rights of way to remove certain illegally posted signs; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 28-3 of the City Code is amended and recodified to be section 28-3(a) as follows by adding the language that is underlined (added).

Sec. 28-3. Purpose.

(a) This chapter is enacted to provide minimum standards to protect the life, health, safety, property, welfare, convenience and enjoyment of the general public by regulating and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, maintenance, and safe transportation of all outdoor advertising signs and sign structures as well as ascertain that all billboard and commercial sign operators are properly licensed, insured, and bonded. The purposes of this chapter are, in addition to making San Antonio safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public, the following:

- (1) Protect the safety and efficiency of the city's transportation network by reducing confusion or distractions to motorists and enhancing motorists' ability to see pedestrians, obstacles, other vehicles and official traffic signs, signals, or devices by eliminating a proliferation of messages for the reader.
- (2) Require that all signs conform to the erection and maintenance regulations to insure that they are safely constructed and do not create hazards or obstructions to access and views, or be located on a public right-of-way.

- (3) Preserve, protect and enhance aesthetic and economic/property values regardless of whether they are of a natural or manmade environment by establishing requirements for the height, size, brightness and movement of commercial signs.
- (4) Preserve, protect and enhance the image and attractiveness of the City of San Antonio for its citizens and visitors through the identification of the special character and economic advantages of its subareas.
- (5) Preserve and enhance the impression of the city which is conveyed to citizens, tourists and visitors by limiting the construction and erection of any new billboards.
- (6) Preserve, protect and improve San Antonio's quality of life, which although difficult to define, is possibly the city's most valuable resource.

SECTION 2. Section 28-3(b) of the City Code is hereby enacted to read:

(b) Unless specifically stated, nothing within this chapter shall be interpreted or applied so as to prohibit a property owner or that owner's agent from removing or authorizing the removal of signage on that owner's property.

SECTION 3. Section 28-6 of the City Code is amended to include the definition of Bandit Sign as follows by adding the language that is underlined (added):

Sec. 28-6. Definitions.

Bandit Sign shall mean any sign posted on a utility pole, street sign or other street furniture or a sign posted in violation of this chapter in the public right of way having six (6) square feet or less of advertising area and made of vinyl, paper, cloth or fabric, polyboard, coroplas, corrugated plastic, poster board, plastic core, cardboard or plywood including signs with wood or wire framing, posts or stakes. No sign owned or placed by the City of San Antonio, the State of Texas, or a public utility shall be considered a bandit sign.

SECTION 4. Section 28-153 of the City Code is hereby enacted to read:

Sec. 28-153. Bandit Signs.

(a) Bandit signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice notwithstanding any conflicting regulation or requirement within this chapter.

(b) Any citizen removing a bandit sign or other sign in the public right of way shall do so at his or her own risk, and neither the City of San Antonio nor any public utility exercising control of the right of way, pole or fixture shall be liable for damage, loss or injury due to such independent acts.

SECTION 5 No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

SECTION 6. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 7. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein.

SECTION 8. This ordinance shall become on June 19th, 2005.

PASSED AND APPROVED this 9th day of June 2005.

ATTEST:

Leticia D. West
City Clerk

Edward D. Garza
MAYOR
EDWARD D. GARZA

APPROVED AS TO FORM:

William E. Garza
City Attorney

Agenda Voting Results

Name: 20.

Date: 06/09/05

Time: 05:42:38 PM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 28 of the City of San Antonio Code, to clarify its purpose, define "Bandit Signs", and declare such signs as abandoned trash that may be discarded without notice to their owners; and directing publication; as requested by Councilwoman Patti Radle, District 5, and Councilman Richard Perez, District 4, with the support of Mayor Edward D. Garza and the Governance Committee. [Presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. McNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
KEVIN WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		